

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
Holding Session in Houston**ENTERED**

July 25, 2022

Nathan Ochsner, Clerk

UNITED STATES OF AMERICA
v.
ANAHUAC TRANSPORT, INC.**JUDGMENT IN A CRIMINAL CASE**

(For Organizational Defendants)

CASE NUMBER: 4:21CR00556-001

Dan Lamar Cogdell; Christopher J. Downey;
Christopher L. Tritico

Defendant Organization's Attorney

THE DEFENDANT ORGANIZATION:

- ☒ pleaded guilty to count(s) 1 on February 23, 2022.
- ☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.
- ☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. §§ 1343 and 2	Wire fraud	12/31/2020	1

- ☐ See Additional Counts of Conviction.

The organizational defendant is sentenced as provided in pages 2 through 5 of this judgment.

- ☐ The organizational defendant has been found not guilty on count(s) _____
- ☐ Count(s) _____ dismissed on the motion of the United States.

It is ordered that the organization must notify the United States attorney for this district within 30 days of any change of name, principal business address, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant organization must notify the court and United States attorney of material changes in economic circumstances.

Defendant Organization's
Federal Employer I.D. No.: 29-4337635

Defendant Organization's Principal Business Address:
309 S. FM 1724
Anahuac, Texas 77514

Defendant Organization's Mailing Address:
309 S. FM 1724
Anahuac, Texas 77514

July 14, 2022
Date of Imposition of Judgment

Signature of Judge

ALFRED H. BENNETT
UNITED STATES DISTRICT JUDGE

Name and Title of Judge

July 25, 2022
Date

DEFENDANT ORGANIZATION: **ANAHUAC TRANSPORT, INC.**

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PROBATION

The defendant organization is hereby sentenced to probation for a term of: 3 years.

This term consists of THREE (3) YEARS as to Count 1.

☐ See Additional Probation Terms.

MANDATORY CONDITIONS

The defendant organization must not commit another federal, state or local crime.

If this judgment imposes a fine or a restitution obligation, it is a condition of probation that the defendant organization pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant organization must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page (if indicated below).

STANDARD CONDITIONS OF SUPERVISION

☒ See Special Conditions of Supervision.

- 1) within thirty days from the date of this judgment, the defendant organization shall designate an official of the organization to act as the organization's representative and to be the primary contact with the probation officer;
- 2) the defendant organization shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 3) the defendant organization shall notify the probation officer ten days prior to any change in principal business or mailing address;
- 4) the defendant organization shall permit a probation officer to visit the organization at any of its operating business sites;
- 5) the defendant organization shall notify the probation officer within seventy-two hours of any criminal prosecution, major civil litigation, or administrative proceeding against the organization;
- 6) the defendant organization shall not dissolve, change its name, or change the name under which it does business unless this judgment and all criminal monetary penalties imposed by this court are either fully satisfied or are equally enforceable against the defendant's successors or assignees; and
- 7) the defendant organization shall not waste, nor without permission of the probation officer, sell, assign, or transfer its assets.

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SPECIAL CONDITIONS OF SUPERVISION

You must provide the probation officer with access to any requested financial information and authorize the release of any financial information. The probation office may share financial information with the U.S. Attorney's Office.

You must cooperate fully with the United States Attorney's office and any other law enforcement agency designated by the United States Attorney's Office to resolve the practices of the business at Anahuac Transport, Inc. resulting in the instant offense, and ensure that Anahuac Transport, Inc. only engages in legally authorized business practices.

You shall develop and submit to the Court an effective compliance and ethics program consistent with § 8B2.1 (Effective Compliance and Ethics Program). You shall include in its submission a schedule for implementation of the compliance and ethics program.

You shall make periodic submissions to the Court or probation officer, at intervals specified by the Court, (A) reporting on your financial condition and results of business operations, and accounting for the disposition of all funds received, and (B) reporting on your progress in implementing the program referred to in the condition noted above.

You shall notify the Court or probation officer immediately upon learning of (A) any material adverse change in your business or financial condition or prospects, or (B) the commencement of any bankruptcy proceeding, or any investigation or formal inquiry by governmental authorities regarding the organization.

You shall submit to: (A) a reasonable number of regular or unannounced examinations of your books and records at appropriate business premises by the probation officer or experts engaged by the Court; and (B) interrogation of knowledgeable individuals within the organization. Compensation to and costs of any experts engaged by the Court shall be paid by the organization.

You shall provide verification that you forwarded to the government a schedule of every federal government entity to which you delivered fuel, directly or through a contract, from 2020 to the date of entry of the Plea Agreement (specifically, February 23, 2022). For each load of fuel delivered, the schedule shall list the date of delivery of the fuel, type of fuel, location of delivery, identity of the defendant corporation's contracting partner, and contract number.

You shall make periodic payments, as specified by the Court in the following priority: (A) restitution; (B) fine; and (C) any other monetary sanction.

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CRIMINAL MONETARY PENALTIES

The defendant organization must pay the total criminal monetary penalties under the schedule of payments on Sheet 4.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$400	\$275,000	\$

- ☐ See Additional Terms for Criminal Monetary Penalties.
- ☐ The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case for Organizational Defendants (AO 245F) will be entered after such determination.
- ☐ The defendant organization must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant organization makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
	\$	\$	

- ☐ See Additional Restitution Payees.

TOTALS	\$	\$	
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- ☐ Restitution amount ordered pursuant to plea agreement \$_____
- ☒ The defendant organization must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 4 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant organization does not have the ability to pay interest and it is ordered that:
- ☐ the interest requirement is waived for the ☐ fine ☐ restitution.
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:
- ☐ Based on the Government's motion, the Court finds that reasonable efforts to collect the special assessment are not likely to be effective. Therefore, the assessment is hereby remitted.

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant organization's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☐ Lump sum payment of \$_____ due immediately, balance due
☐ not later than _____, or
☐ in accordance with ☐ C or ☐ D below; or
- B ☒ Payment to begin immediately (may be combined with ☐ C or ☒ D below); or
- C ☐ Payment in equal _____ installments of \$_____ over a period of _____, to commence _____ after the date of this judgment; or
- D ☒ Special instructions regarding the payment of criminal monetary penalties:

Payable to: Clerk, U.S. District Court, Attn: Finance, P.O. Box 61010, Houston, TX 77208.

The balance shall be paid at the rate of \$8,333.33 per month beginning 30 days from the date of the judgment.

All criminal monetary penalties are made to the clerk of the court.

The defendant organization shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Case Number

Defendant and Co-Defendant Names
(including defendant number)

Total Amount

Joint and Several
Amount

Corresponding Payee,
if appropriate

☐ See Additional Defendants and Co-Defendants Held Joint and Several.

☐ The defendant organization shall pay the cost of prosecution.

☐ The defendant organization shall pay the following court cost(s):

☐ The defendant organization shall forfeit the defendant organization's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.